

**Environmental Quality Council
Land Use/Environmental Trends Subcommittee**

1999-2000

Work Plan

September 23, 1999

Introduction

The Environmental Quality Council (EQC) is a seventeen member bipartisan interim committee of the Montana Legislature. The EQC has agreed on a work plan for the 1999-2000 interim between legislative sessions and has appointed a Land Use/Environmental Trends Subcommittee to address several work plan topics. The subcommittee will make recommendations to the full EQC for actions such as proposed legislation or development of educational materials.

Subcommittee members:

Ms. Julia Page
Mr. Jerry Sorensen
Senator Barry "Spook" Stang

Subcommittee staff:

Mary Vandenbosch 444-5367 or mvandenbosch@state.mt.us

Topics: 1999 EQC growth legislation, riparian management, other land use topics

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Topic: environmental trends

The work plan addresses the following topics:

- 1999 EQC growth legislation.
- Residential development in riparian areas.
- Environmental trends (indicators).

Background information, goals and tasks are presented for each topic. The work plan also includes a subcommittee timeline.

The work plan is a flexible document. The subcommittee will refine its goals and tasks as information is gathered and evaluated. Key decision-making points are highlighted in the timeline and under each topic.

1999 EQC Growth Legislation

Background information

During the 1997-1998 interim, the EQC appointed a subcommittee to study issues related to planning for growth. This effort resulted in the EQC report *Planning for Growth in Montana* and four EQC bills that were introduced during the 1999 legislative session. Three of the four bills were approved by the Legislature and signed by the Governor. The bill that died would have allocated \$1 million each fiscal year from the bed tax for a grant program to pay for development and implementation of local growth policies.

The EQC allocated .20 full-time equivalent (FTE) staff to this effort during the 1999-2000 interim.

Goals

- Cooperate with Montana Department of Commerce (Commerce) to provide information to interested persons about the 1999 EQC growth legislation.
- Monitor implementation of Senate bills 95, 96 and 97. Provide assistance and identify issues that may need to be addressed.
- Evaluate funding needs for development and implementation of growth policies.

Tasks

1. Monitor experience of local governments with development of local growth policies pursuant to SB 97.
 - a. Big Horn County
 - b. Beaverhead County
 - c. Sanders County
 - d. Ravalli County
 - e. others

Who: EQC/Commerce staff briefing or panel presentation by local government representatives.

Timeline: Ongoing beginning with September 22-23 meeting in Libby.

2. Identify current sources of funding for development and implementation of growth policies.

Who: Staff

Timeline: Before January 2000 meeting.

3. Document costs of developing and implementing growth policies.

Who: Staff

Timeline: Before January 2000 meeting.

4. Evaluate the need to provide additional state funding or local funding authority for the development and implementation of growth policies. If warranted, work with interest groups to develop proposed legislation for the 2001 session.

Who: Subcommittee

Timeline: Decision re: need for additional funding by March 24, 2000. If warranted, make decision on draft funding proposal before May 5, 2000.

Final decision on subcommittee recommendation to EQC by August 31, 2000.

5. Briefing on court decisions and attorney general opinions related to growth policies (if any).

Who: Staff

Timeline: As needed.

6. Briefing on potential proposed legislation related to growth policies and/or other land use issues.

Who: Staff and interested parties

Timeline: Late 2000 and as needed.

7. Update to *Planning for Growth in Montana* that summarizes changes to the law as a result of legislation enacted in 1999.

Who: Staff

Timeline: Completed.

8. Presentations to interested groups about Senate bills 95, 96, and 97.

Who: Staff, subcommittee members

Timeline: As needed. Planning Montana television show Oct. 18, 1999.

9. Review and provide advice regarding Commerce informational materials related to EQC growth legislation.

Who: Subcommittee with staff support

Timeline: As needed.

Residential Development in Riparian Areas

Background information

The 1999 Montana Legislature passed HB 458 (see Appendix for text of bill). Specifically, the bill requires the EQC to:

1. Review and summarize state, federal, and local policies and programs related to riparian management in Montana.
2. Identify overlapping or conflicting goals or implementation programs.
3. Evaluate existing riparian best management practices (BMPs).
4. Evaluate programs to disseminate information about voluntary BMPs.
5. Develop cost-effective mechanisms to compile and disseminate information about BMPs in coordination with others.

The EQC allocated .20 FTE for this topic.

Goals

- Learn about and evaluate local tools to address residential development in riparian areas. Make recommendations if warranted.
- Study trends related to residential development in riparian areas.

Tasks

1. Summary of successful and unsuccessful local strategies related to residential development in riparian areas in Montana:
 - a. Comprehensive plans
 - b. Subdivision regulations (Park and Madison counties)
 - c. Zoning (Powell and Chouteau counties)
 - d. Watershed Planning (Big Hole Watershed Committee, Blackfoot Challenge and others)
 - e. Conservation easements and land acquisition
 - f. Education

Who: Staff and local representatives

Timeline: Preliminary information mailed September 3, 1999.

Subcommittee discussion September 22, 1999 and subsequent meetings.

Preliminary review by Watershed Coordination Council October 6, 1999.

2. Evaluate tools and strategies to determine if there is a need for new tools or if action is needed to enhance the use of existing tools.

Who: Subcommittee with staff support

Timeline: Decide on an approach to evaluating tools on or prior to January 21, 2000. Decision on action by March 24, 2000. Develop draft proposal (if any) by May 5, 2000.

3. Gather available data to illustrate trends related to residential development in riparian areas (i.e., subdivisions, new home construction, etc.).

Who: Staff

Timeline: Survey counties and watersheds (Yellowstone, Gallatin, Flathead, others) by December 31, 1999. Present data at March 2000 meeting.

4. Briefing on non EQC potential proposed legislation (if any) related to residential development in riparian areas.

Who: Staff and interested parties

Timeline: Late 2000 and as needed.

Environmental Trends

Background information

Briefly summarized, one of the statutory responsibilities of the EQC is to gather information concerning trends and conditions in the quality of Montana's environment, to analyze trends and interpret their causes, and to document these trends and make recommendations on matters of policy to the Legislature (Section 75-1-324, MCA). The last comprehensive trends documentation effort was the EQC produced document *Our Montana Environment...Where Do We Stand?* in 1996. More often, the EQC fulfills its statutory obligation of gathering information and documenting trends through its oversight role of reviewing and analyzing public and private projects that may have impacts on the environment or in studying a specific aspect of the environment in greater detail. The *Planning for Growth in Montana* study last interim was one such detailed review of a specific environmental trend and condition.

The EQC allocated .10 FTE for the 1999-2000 interim for the environmental trends topic.

Goals

- Fulfill the statutory obligation of Section 75-1-324, MCA by identifying trends related to interim EQC work plan issues.
- Evaluate and encourage use of environmental indicators by state agencies.

Tasks

1. Evaluate agency efforts to identify and utilize environmental indicators in tracking program efforts through staff contacts with agency directors and environmental program managers.
Who: Staff and Subcommittee
Timeline: Staff inquiries by December 15, 1999. Subcommittee review by January 21, 2000.
2. Request reporting agencies to identify and incorporate quantifiable environmental trend information into biennial compliance and enforcement reports where practical and applicable. Format and content to be left to the agency's discretion.
Who: Staff, agency staff, Subcommittee with EQC approval
Timeline: Compliance and enforcement reports to be submitted by September 2000 EQC meeting.

Timeline

The timeline in the current draft is based on the EQC meeting timeline. Subcommittee meetings will take place on or before the EQC meeting and the timeline will be revised as subcommittee meeting dates are set.

1999

- Sept. 22** **EQC meeting, Libby. Brief subcommittee meeting (1 hour)**
- ◆ Subcommittee review/discussion of local strategies to address residential development in riparian areas. Identify additional information needs.
 - ◆ Update on development of local growth policies.
- Oct. 1** Effective date of SB's 96 and 97.
- Oct. 6** Montana Watershed Coordination Council Meeting, Helena. Discuss tools to address residential development in riparian areas.
- Dec. 2** **EQC meeting (subcommittee meeting afternoon or evening before)**
- ◆ Subcommittee review/discussion of local strategies to address residential development in riparian areas. Identify additional information needs.
 - ◆ Update on development of local growth policies.
- December 31** Survey counties and watershed groups for trend data on residential development in riparian areas before this date.

2000

- Jan. 21** **EQC meeting (subcommittee meeting afternoon or evening before)**
- ◆ Subcommittee review of agency efforts to identify and utilize environmental indicators.
 - ◆ Identify agencies' current environmental trends data collection efforts by this date.
 - ◆ Staff presentation on costs and sources of funding for growth policies.
 - ◆ Decide on an approach to evaluating tools and strategies to address residential development in riparian areas.

- March 24** EQC meeting (subcommittee meeting afternoon or evening before)
- ◆ Subcommittee decision on need for additional funding for growth policies.
 - ◆ Subcommittee decision on whether or not to propose ways to enhance local tools to address residential development in riparian areas.
 - ◆ Present trend data for residential development in riparian areas if available.
 - ◆ Update on agencies ability to incorporate environmental trend data into September compliance and enforcement report.
- May 5** EQC meeting (subcommittee meeting afternoon or evening before)
- ◆ Decision on draft proposal for funding growth policies, if needed.
 - ◆ Final decision to circulate draft reports or legislative proposals, if desired.
- May 6-
June 16** Last dates to revise and distribute draft reports and concepts for proposed legislation (if any) for public review and comment, if desired.
- July 14** Compile and distribute comments (if any) on draft documents to subcommittee members.
- July 28** EQC meeting (subcommittee meeting afternoon or evening before)
- ◆ Briefing on potential non EQC legislative proposals (if any) related to subcommittee topics (growth policies, land use, residential development in riparian areas, tracking environmental trends).
 - ◆ Final subcommittee decision on any recommendations to EQC for proposed legislation on or before this date.
 - ◆ Subcommittee briefs EQC on any potential EQC legislative proposals.
- Aug. 31** Final decision on subcommittee recommendation (if any) to EQC re: funding for growth policies.
- Sept. 16-17** EQC meeting (subcommittee meeting afternoon or evening before)
- ◆ Final decision by EQC on content of proposed legislation, if any. Selection of bill sponsors. Development of strategy.
 - ◆ Briefing on potential legislative proposals (if any) related to subcommittee topics (growth policies, land use, residential development in riparian areas, tracking environmental trends).